

Serial No. : 09/580,993
Applicant : HONEA
Amendment Dated: 7/9/2002

REMARKS

The Examiner's Office Action has been reviewed.

The Examiner's rejections of Claims 1 and 3 - 11 are deemed moot in view of the cancellation of those claims herein.

The Examiner has then rejected Claims 1 - 4, 8 - 11 "under 35 U.S.C. 103(a) as being unpatentable over Hanrath (U.S. 940873, Fisher (U.S. 5746001), Beeber (U.S. 2994958) and Exhibit 1 by Lufkin [hereinafter Lufkin]."
This rejections is traversed as it applies to Claim 2 as amended herein.

Although there are similarities between the Examiner's references and applicant's invention as presently claimed, it is deemed that there are also substantial differences and that those substantial differences are even more clearly set forth in Claim 2, as amended herein. More specifically, nowhere in the prior art is there a teaching of first indicia in the central extent of the tape on the face thereof extending along the entire length with spacings at a first distance. This is in combination with the claimed edge markings at differences from each other and different from the distance of the central markings. The closest piece of prior art is Fischer, but in Fischer the central markings are not continuous and are not formed along the entire length of the tape as claimed. Such markings are only in a

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limited longitudinal extent and are movable with respect to the edge margins for teaching purposes and not for measuring.

Further, the Examiner's proposed combination of Hanrath and Fisher is not well taken because to add edge marking to Hanrath or to add continuous central markings to Fisher would be to destroy the inventive concepts of both references.

It would appear that the Examiner has merely gleaned miscellaneous features in the prior art and has attempted to combine them without a teaching for their combination. The only teaching is in applicant's disclosure which, by definition, is not prior art. But even if there were a teaching for the combination, the resulting structure would still fail to anticipate applicant's invention for the reasons set forth herein above.

It is deemed that the present amendments overcome all grounds of objection and rejection and place this application in condition for allowance.

If the Examiner is not of the opinion that this amendment places the application in condition for allowance, he is requested to enter the amendment for purposes of appeal.



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

What is claimed as being new and desired to be protected by

LETTERS PATENT of the United States is as follows:

1. (Cancel) A new and improved tape measure system adapted to be cut on site for a particular construction application with both continuing and repeating indicia and a strengthening component along the length thereof comprising, in combination:

a tape of a disposable material with limited extensibility selected from the class of disposable materials with limited extensibility including paper, cloth, and plastic, such as Mylar, polyvinyl chloride (PVC), and polyethylene (PE), the tape having a short leading edge and a parallel short trailing edge and having long parallel side edges, including a first side edge and a second side edge, there between, the tape having an extended length of about 200 feet and a width of about 3 inches, the tape adapted to be spooled upon itself when in a stored orientation and extended linearly by the pulling of the leading edge when in an operative orientation, the tape having a front face and a rear face with a thickness of about 1 mil;

indicia formed on the front face and including continuing first indicia along the entire length thereof midway of, and spaced from, the side edges formed of heavy marking lines equally

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spaced at a first distance and foot numerals indicative of measured feet every 12 inches and light marking lines indicative of measured inches each inch between the heavy marking lines, the indicia also including continuing repeating second indicia lines along the first side edge laterally spaced from the first indicia with the repeating second indicia lines being equally spaced at a second distance different from the first distance, the indicia also including continuing repeating third indicia lines along the second side edge laterally spaced from the first indicia with the third indicia lines being equally spaced at a third distance different from the first distance and second distance; and

a strengthening component formed of a continuous thread with a diameter of about 1 mil, the thread being fabricated of an essentially inextensible material of the class of essentially inextensible materials including cotton and a monofilament nylon, the thread being secured to the front face of the tape along the entire extent thereof whereby the leading edge may be attached to an area being measured and extended in linear fashion to a second location where it is attached again and then cut from the remainder of the tape in the spool.

2. (Twice Amended) A tape measure system comprising:

a tape of a disposable material with limited extensibility, the tape having a short leading edge and a parallel short

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trailing edge and having long parallel side edges there between including a first side edge and a second side edge, the tape having a front face and a rear face; and

indicia formed on the front face and including continuing first indicia lines equally spaced at a first distance along the entire central length of the tape, the indicia also including continuing repeating second indicia lines along the first side edge laterally spaced from the first indicia lines with the second indicia lines being equally spaced at a second distance different from the first distance, the indicia also including continuing repeating third indicia lines along the second side edge laterally spaced from the first indicia lines with the third indicia lines being equally spaced at a third distance different from the first distance and second distance[; and

a strengthening component formed continuously along the length of the tape and fabricated of an essentially inextensible material].

3. (Cancel) The system as set forth in Claim 2 wherein the repeating indicia are spaced 9 inches along one edge and 10 inches along the other edge.

4. (Cancel) The system as set forth in Claim 2 wherein the repeating indicia are spaced at 5 inches along one edge and 5-5/8 inches along the other edge.

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5. (Cancel) The system as set forth in Claim 2 wherein the indicia is on both faces of the tape.

6. (Cancel) The system as set forth in Claim 2 wherein the strengthening component is a thread formed into one face of the tape.

7. (Cancel) The system as set forth in Claim 2 wherein the strengthening component is a thread with a tape securing the thread to one surface of the tape.

8. (Cancel) The system as set forth in Claim 2 wherein the thread is formed interiorly of the tape.

9. (Cancel) The system as set forth in Claim 2 wherein the strengthening component is a thickened region formed in the faces of the tape.

10. (Cancel) The system as set forth in Claim 2 wherein the strengthening component is a single component extending longitudinally along the center of the tape parallel with the side edges.

11. (Cancel) The system as set forth in Claim 2 wherein the strengthening component is a pair of components located in parallel relationship along the side edges of the tape.